

# PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 2001

Application or Docket Number

CONTINUATION - 11-11

09/990932

## CLAIMS AS FILED - PART I

|   | (Column 1)    | (Column 2)   |
|---|---------------|--------------|
| TOTAL CLAIMS  | 29            |              |
| OR  | NUMBER FILED  | NUMBER EXTRA |
| TOTAL CHARGEABLE CLAIMS                                   | 29 minus 20 = | 9            |
| INDEPENDENT CLAIMS  | 1 minus 3 =   | 3            |
| MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/> |               |              |

If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

|   | (Column 1) | (Column 2)                         | (Column 3)    |
|---|------------|------------------------------------|---------------|
| CLAIMS REMAINING AFTER AMENDMENT  |            | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total   | *          | Minus                              | **            |
| Independent   | *          | Minus                              | ***           |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |            |                                    |               |

|   | (Column 1) | (Column 2)                         | (Column 3)    |
|---|------------|------------------------------------|---------------|
| CLAIMS REMAINING AFTER AMENDMENT  |            | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total   | * 29       | Minus                              | ** 29         |
| Independent   | * 1        | Minus                              | *** 3         |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |            |                                    |               |

|   | (Column 1) | (Column 2)                         | (Column 3)    |
|---|------------|------------------------------------|---------------|
| CLAIMS REMAINING AFTER AMENDMENT  |            | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total   | * 46       | Minus                              | ** 29         |
| Independent   | * 3        | Minus                              | *** 3         |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |            |                                    |               |

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

## OR OTHER THAN SMALL ENTITY

| RATE      | FEE    |    | RATE      | FEE    |
|-----------|--------|----|-----------|--------|
| BASIC FEE | 370.00 | OR | BASIC FEE | 740.00 |
| X\$ 9=    | 81     | OR | X\$18=    |        |
| X42=      | -      | OR | X84=      |        |
| +140=     | -      | OR | +280=     |        |
| TOTAL     | 1451   | OR | TOTAL     |        |

| RATE             | ADDITIONAL FEE |    | RATE             | ADDITIONAL FEE |
|------------------|----------------|----|------------------|----------------|
| X\$ 9=           |                | OR | X\$18=           |                |
| X42=             |                | OR | X84=             |                |
| +140=            |                | OR | +280=            |                |
| TOTAL ADDIT. FEE |                | OR | TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |    | RATE             | ADDITIONAL FEE |
|------------------|----------------|----|------------------|----------------|
| X\$ 9=           |                | OR | X\$18=           |                |
| X42=             |                | OR | X84=             |                |
| +140=            |                | OR | +280=            |                |
| TOTAL ADDIT. FEE |                | OR | TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |    | RATE             | ADDITIONAL FEE |
|------------------|----------------|----|------------------|----------------|
| X\$ 9=           | 425.00         | OR | X\$18=           |                |
| X42=             |                | OR | X84=             |                |
| +140=            |                | OR | +280=            |                |
| TOTAL ADDIT. FEE | 425.00         | OR | TOTAL ADDIT. FEE |                |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert J. Sicurelli Jr. and Samuel Masyr  
Serial. No.: 09/990,932  
Filed: November 21, 2001  
Art Unit: 3732  
Examiner: John J. Wilson  
Title: Flexible Post In A Dental Post and Core  
System

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Amendment In Response To First Office Action

This is in response to the Office Action dated July 12, 2005 in the above identified Request for Continued Examination (RCE) application.

The Commissioner is authorized to charge any fees (small entity) associated with this communication to the undersigned's Deposit Account number 23-0120. Please extend the time to respond one month to Monday, November 14, 2005.

Please amend the application as follows:

claims would be allowable along with ~~their~~ common parent claim and any intervening claims.

The Examiner has taken the position that "the term prefabricated is merely defining a method of use and/or a method of the time at which a process of making step is performed, and therefore, is met by the shown structure of the prior art". Applicant respectfully disagrees with the Examiner on this. When a dental reinforcement post is assembled in situ, it is not a stand alone element because it intimately is formed as part of the tooth. That is, it cannot be thought of as a separate entity. When an object is prefabricated, however, it is a stand alone member, which is what is being claimed in this application. Therefore, the use of the term "prefabricated" in a claim (in this art) is not something that can be read on a dental post formed in situ. It is thus believed that weight in the claims should be given to this expression.

For the reasons given above, it is believed that all of the claims in their present form are drawn to patentable subject matter and should be allowed.

The Examiner is requested to call the undersigned if additional changes are required to obtain allowance.

A favorable action is solicited.

Dated: Nov. 14, 2005

Respectfully submitted,



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